



Despatched: 24.04.12

**LICENSING COMMITTEE - LICENSING HEARING**  
**(SUB-GROUP D)**

**10 May 2012 at 10.30 am**

*Council Chamber, Argyle Road, Sevenoaks*

**AGENDA**

**Membership:**

Cllrs. Abraham, Mrs Ayres and Fittock (substitute)

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**IMPORTANT INFORMATION**

If an interested party (e.g. a parish or town council) has not made a "relevant representation" (section 18(6) and (7) of the Licensing Act 2003), it will not receive a notice of the hearing (Reg. 6(1) Hearings Regulations). The interested party will not, therefore be "a party to the hearing" (Reg. 2 Hearings Regulations). There will therefore be no right to address the hearing (Reg. 16 Hearings Regulations).

The above also applies to a Member i.e. if s/he does not make a "relevant representation" s/he will not be a "party to the hearing" and has no right to address the hearing unless appointed by "a party to the hearing" to assist or represent that party".

Would you please note that all the reports/information listed on this agenda are available from the Committee Services Team on request (01732 227241). Alternatively you can make an appointment to view the information at the District Council Offices by contacting the Licensing Manager on 01732 227325.

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1. **Appointment of Chairman**
2. **Declarations of interest.**
3. **New Inn Public House, 75 St Johns Hill, Sevenoaks. TN13 3NY. (Pages 1 - 6)**

(Sevenoaks Town & St Johns)

**PROCEDURE AT HEARINGS OF SUB-COMMITTEES OF THE  
LICENSING COMMITTEE ESTABLISHED IN ACCORDANCE WITH  
SECTION 9 OF THE LICENSING ACT 2003**

1. In accordance with Section 9 (1) of the Licensing Act 2003, the Licensing Committee has resolved to establish one or more Sub-Committees each consisting of three members of the Committee.
2. The Sub-Committees have delegated authority to determine those functions that are reserved for decision by the Sub-Committees in accordance with Appendix B of the Council's Statement of Licensing Policy dated 7 January 2005.
3. Hearings shall be conducted in accordance with this Procedure Note and The Licensing Act 2003 (Hearings) Regulations 2005 subject to the right of the Sub-Committee to vary that procedure at their absolute discretion if considered in the public interest.
4. The quorum for a hearing of a Sub-Committee shall be three members.
5. At the commencement of each hearing the Sub-Committee shall elect one of its members as Chairman.
6. The order of business at hearings shall be:
  - (a) Election of Chairman
  - (b) Declarations of interests
  - (c) Chairman explains the procedure to be followed at the hearing, including the setting of equal time limits for all parties and the granting of adjournments.
  - (d) Chairman ascertains who is assisting or representing the parties.
  - (e) Applicant (or his/her representative) addresses the Sub-Committee
  - (f) Applicant questioned by members. At the discretion of the Sub-Committee, other parties may be permitted to question the Applicant.
  - (g) Persons who have made representations in respect of the application (or their representative) address the Sub-Committee. No issues other than those relevant to their representations may be raised.
  - (h) Members question each party at the conclusion of their address. At the discretion of the Sub-Committee, the Applicant may be permitted to question other parties.
  - (i) Sub-Committee may offer the parties a short adjournment to discuss in the absence of the Sub-Committee whether a solution acceptable to all the parties can be put to the Sub-Committee.
  - (j) Applicant (or his/her representative) makes closing address.
  - (k) Sub-Committee may grant a short adjournment. The parties may not speak to members regarding the application during adjournments.

- (l) The Sub-Committee considers the application and motions put to accept or reject the application in the terms requested or to grant the application subject to specified conditions. Reasons are to be given for motions.
- (m) The parties will be informed of the decision at the hearing or thereafter in accordance with Regulation 26 of the 2005 Regulations.

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LICENSING COMMITTEE (HEARING) – 10 MAY 2012

APPLICATION FOR A PREMISES LICENCE TO VARY THE DESIGNATED PREMISES SUPERVISOR NEW INN, 75 ST. JOHNS HILL, SEVENOAKS, KENT. TN13 3NY UNDER THE LICENSING ACT 2003

APPLICATION REFERENCE NO: 12/00864/LAPRE

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Report of the: Community and Planning Services Director

Status: For Decision

Head of Service Head of Environment & Operational Services – Mr. Richard Wilson

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Recommendation: Members' instructions are requested

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**Background**

The procedure for Hearings of Sub-Committees of the Licensing Committee established in accordance with Section 9 of the Licensing Act 2003 is printed on the agenda front sheet.

The application is made by Admiral Taverns Limited, Milton Gate, 60 Chiswell Street, London. EC1Y 4AG

The application is to: vary the designated premises supervisor of the premises in accordance with section 37 of the Licensing Act 2003.

**The Objection**

A copy of PC. Mark Beresford's representation is in the attached Appendix.

**Representation received from statutory consultees**

Police	Unsatisfactory
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The decision is to be made with regard to the Licensing Act 2003, Secretary of State's Revised Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy. Where the decision departs from the Policy or Guidance the departure must be directed solely at the attainment of the licensing objectives, and such departure must be supported by clear and cogent reasons.

## Agenda Item 3

Sources of Information: [http://www.culture.gov.uk/alcohol and entertainment](http://www.culture.gov.uk/alcohol%20and%20entertainment)

Contact Officer(s): Mrs. Leeann Leeds. Ext 7270

KRISTEN PATERSON  
COMMUNITY AND PLANNING SERVICES DIRECTOR

### RISK ASSESSMENT STATEMENT

This Hearing is regulated by The Licensing Act 2003 (Hearings) Regulations 2005 No. 44.

The decision of this Hearing will be encompassed within the issued premises licence, and subject to any appeal to a Magistrates Court or higher Court.



# Kent Police

**Chief Officer of Police Representation** in relation to an application for **variation** of premises licence **to specify individual as premises supervisor** made under Part 3 **Section 37** Licensing Act 2003 (S37(5) Licensing Act 2003)

<b>Details of person making representation</b>	
Name of Chief Officer of Police	Chief Inspector Peter Steenhuis
Postal Address: (Area Headquarters)	Police Station London Road Swanley Kent BR8 7AG
E-mail address	<a href="mailto:carol.perkins@kent.pnn.police.uk">carol.perkins@kent.pnn.police.uk</a>
Telephone Number:	101

<b>Details of premises representation is about</b>	
Name of Premises:	New Inn Public House
Address of premises:	75 St Johns Hill Sevenoaks Kent Police TN13 3NY
Date application received by police	02/04/2012
Date representation sent to Licensing Authority	12/04/2012 <i>Must be within 14 days of receipt - S.37(6) Licensing Act 2003</i>

**The Chief Officer of Police has received an application for the variation of a premises licence made under the provisions of Section 37 Licensing Act 2003. The relevant representations within the meaning of S.37(5) of the Licensing Act satisfy the requirements of S.37 (6) of that Act and are as follows:**

**Is this a representation regarding the specification of a Premises Supervisor under S37 (5) Licensing Act 2003?** **YES/NO**

If yes, complete the following statement: -

Due to the exceptional circumstances of this case, I am satisfied that granting the application would undermine the crime prevention objective because the proposed premises supervisor, David THOMAS does not have the necessary support, abilities, confidence or experience to run a public house with a history of clearly defined problems and recent serious crime. The reasons are outlined below;

### Agenda Item 3

The New Inn is currently awaiting a review hearing, where Police have requested revocation of the premises licence, due to serious crime taking place at the premises. In the meantime, via a letter from the Premises Licence Holder (Admiral Taverns) Police were informed that a new DPS, David THOMAS, had been placed into the pub. He was described by Admiral Taverns as 'an experienced operator with good standards'.

On 12<sup>th</sup> April 2012, the Sevenoaks police licensing officer met with David THOMAS at Sevenoaks Council Offices. Notes were made of the conversation in the presence of David. The following concerns were noted:

- David stated that this would be the first pub that he has run as a DPS.
- When asked about previous bar experience, he stated he had worked a couple of shifts at another pub, but was unable to name the DPS at that pub.
- He then clarified he didn't work behind the bar, but helping the staff.
- When asked about the managing of the pub, David was under the impression that it was the role of the leaseholder of the property (his employer) Reginald ESQULANT. David did not understand the responsibilities of being a DPS.
- When asked about his history with the New Inn, he explained that he had worked there since about Christmas 2011 (around the time that the pub was taken over by a third-party leaseholder). This involved helping out and moving barrels, and he had subsequently been asked to take over as DPS a couple of weeks ago, by Mr ESQULANT.
- David confirmed that the only training he had completed for the role of DPS was done as part of obtaining his personal licence. He has had no direct training in relation to the New Inn, has not been given the opportunity to shadow an experienced DPS, and not given any development guidance or plan, written or otherwise.
- David did not have any plans with regards to his running of the New Inn. He explained he 'popped' into the pub 3 or 4 times a week, and does not work Friday or Saturday evenings.
- David said that all the staff have his contact number and know how to contact him. He also confirmed he knew mobile phone numbers for all the staff.
- When asked about the staff at the pub, he could only name one of them, Rachel, and stated he knew the others 'by face'. Challenged about how he addressed them when ringing on their mobile phones, he changed his mind and stated he only had Rachel's phone number.
- David explained that there were 4 or 5 staff working at the New Inn, which he believed Rachel had taken on. Asked why Rachel wasn't the DPS, he explained she didn't have a personal licence (although she apparently has one now).
- David stated there had been no problems at the pub since he became DPS. He was unaware of a noise complaint and possible unlicensed activities following a birthday party at the pub, and was not informed by Rachel (whose birthday it was) and who was too 'ill' to speak to attending police officers.

David did not in any way portray the 'experienced operator' as described by Admiral Taverns. It is believed this is because Admiral Taverns have devolved their



responsibilities to the leaseholder Reginald ESQULANT, who has hired David out of convenience (David is the partner of Reginald's daughter).

Regardless of David holding a personal licence, in this case this is not sufficient preparation for running the New Inn. In recent months the management structure has failed massively to uphold licensing objectives, to the extent that a pattern of serious crime has come to light (which as stated above is subject of another review). David is still connected with the previous staff and management structure. Most worryingly are his connections with Reginald ESQULANT, who whilst not the Premises Licence Holder or DPS himself, manages the licensed activities at the pub and did so previously whilst serious crime was taking place. It appears that Reginald has nominated a notional figure-head DPS (David), so that he can continue running the day to day activities of the pub. Clearly, if this is allowed to happen, it is likely that further crime will take place at the New Inn.

Negotiations have taken place with Admiral Taverns, requesting a complete change in the management structure at the New Inn, including Reginald ESQULANT, which they have as yet failed to do. Even with David as DPS, the above circumstances strongly indicate the previous management structure is still in place. Also, as indicated by the false statement by Admiral Taverns, their control and responsibilities as Premises Licence Holder for the New Inn have been diluted to the point that they are not properly informed, and unable to effect positive changes in the management structure at the New Inn.

For the above reasons it is respectfully requested that David THOMAS be refused the position as Designated Premises Supervisor for the New Inn.

*Please use separate sheets where necessary*

**Signed:**

**Print name:** MARK BERESFORD

*Pp Chief Officer of Police of Police for the Police Area in which the licensed premises are situated.*

**Date:** 12/04/2012

**Force Number:** 9923

Representation must be made **within the period of 14 days** beginning with the day on which the Chief Officer of Police is notified of the application to vary to specify an individual as premises supervisor. Please return this form along with any additional sheets to the Licensing Authority. This form must be returned within the Statutory Period.

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